

## SENATE BILL No. 225

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-12-5; IC 35-38-2.5.

**Synopsis:** Electronic monitoring of sex offenders. Provides that a sex offender may be placed on home detention only if the offender is subject to 24-hour supervision. Specifies that the offender's duty to register arises as of the date that the offender is released from confinement, is placed on probation, or is otherwise required to register. Makes conforming amendments.

**Effective:** July 1, 2003.

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### Long, Bray, Broden

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January 9, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 225

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-12-5, AS AMENDED BY P.L.116-2002,  
2       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2003]: Sec. 5. (a) Subject to section 13 of this chapter, the  
4       following persons must register under this chapter:

5               (1) An offender who resides in Indiana. An offender resides in  
6               Indiana if either of the following applies:

7                       (A) The offender spends or intends to spend at least seven (7)  
8                       days (including part of a day) in Indiana during a one hundred  
9                       eighty (180) day period.

10                      (B) The offender owns real property in Indiana and returns to  
11                      Indiana at any time.

12               (2) An offender not described in subdivision (1) who works or  
13               carries on a vocation or intends to work or carry on a vocation  
14               full-time or part-time for a period of time:

15                       (A) exceeding fourteen (14) consecutive days; or

16                       (B) for an aggregate period of time exceeding thirty (30) days;  
17               during any calendar year in Indiana, whether the offender is



1 financially compensated, volunteered, or is acting for the purpose  
2 of government or educational benefit.

3 (3) An offender not described in subdivision (1) who is enrolled  
4 or intends to be enrolled on a full-time or part-time basis in any  
5 public or private educational institution, including any secondary  
6 school, trade, or professional institution, or institution of higher  
7 education in Indiana.

8 (b) Except as provided in subsection (e), an offender who resides in  
9 Indiana shall register with the sheriff of the county where the offender  
10 resides. If an offender resides in more than one (1) county, the offender  
11 shall register with the sheriff of each county in which the offender  
12 resides. However, if an offender resides in a county having a  
13 consolidated city, the offender shall register with the police chief of the  
14 consolidated city.

15 (c) An offender described in subsection (a)(2) shall register with the  
16 sheriff of the county where the offender is or intends to be employed or  
17 carry on a vocation. However, an offender described in subsection  
18 (a)(2) who is employed or intends to be employed or to carry on a  
19 vocation in a consolidated city shall register with the police chief of the  
20 consolidated city. If an offender is or intends to be employed or carry  
21 on a vocation in more than one (1) county, the offender shall register  
22 with the sheriff of each county. However, if an offender is employed or  
23 intends to be employed or to carry on a vocation in a county containing  
24 a consolidated city and another county, the offender shall register with  
25 the police chief of the consolidated city and the sheriff of the other  
26 county.

27 (d) An offender described in subsection (a)(3) shall register with the  
28 sheriff of the county where the offender is enrolled or intends to be  
29 enrolled as a student. However, if an offender described in subsection  
30 (a)(3) is enrolled or intends to be enrolled as a student in a county  
31 containing a consolidated city, the offender shall register with the  
32 police chief of the consolidated city.

33 (e) An offender described in subsection (a)(1)(B) shall register with  
34 the sheriff in the county in which the real property is located. However,  
35 if the offender owns real property in a county containing a consolidated  
36 city, the offender shall register with the police chief of the consolidated  
37 city.

38 (f) An offender shall complete a registration form. Each sheriff or  
39 police chief of a consolidated city shall make the registration forms  
40 available to registrants.

41 (g) The offender shall register not more than seven (7) days after the  
42 offender:

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(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

**whichever occurs first.**

(h) Whenever an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff

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or police chief of a consolidated city shall:

- (1) forward a copy of the new registration form to the institute;  
and
- (2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 2. IC 35-38-2.5-4.7, AS AMENDED BY P.L.123-2002, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.7. As used in this chapter, "violent offender" means a person who is:

- (1) convicted of an offense or attempted offense, except for an offense ~~under IC 35-42-4 or IC 35-46-1-3~~; under IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, IC 35-47-5-1 (repealed), or IC 35-47.5-5;
- (2) charged with an offense or attempted offense listed in IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, **IC 35-42-4**, IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, **IC 35-46-1-3**, IC 35-47-5-1 (repealed), or IC 35-47.5-5; or
- (3) a security risk as determined under section 10 of this chapter.

SECTION 3. IC 35-38-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) A court may not order home detention for an offender unless the offender agrees to abide by all of the requirements set forth in the court's order issued under this chapter.

- (b) A court may not order home detention for an offender who ~~(1)~~ is being held under a detainer, warrant, or process issued by a court of another jurisdiction. ~~or~~

~~(2)~~  
**(c) A court may not order home detention for an offender who has been convicted of a sex offense under IC 35-42-4 or IC 35-46-1-3 unless:**

- (1) the home detention is supervised by a court approved home detention program; and**
- (2) the conditions of home detention include twenty-four (24) hour per day supervision of the offender.**

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